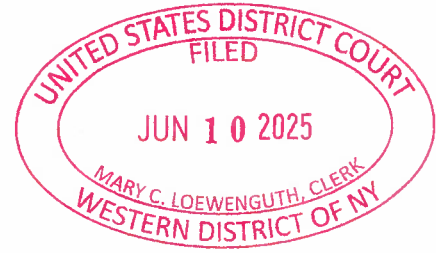


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ROBERT MCFADDEN,

Plaintiff,

v.

19-CV-766 (JLS) (LGF)

LYNN CONNERS, DONALD  
BEECROFT, JOSEPH NOETH,  
ANDREW RAPINI, D. CRANE, and  
OFFICER NORDIN,

Defendants.

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**DECISION AND ORDER**

Plaintiff Robert McFadden commenced this action pursuant to 42 U.S.C. § 1983. *See* Dkt. 1. McFadden alleges that, while he was confined at Attica Correctional Facility, Defendants—who are employees of New York State Department of Corrections and Community Supervision (“DOCCS”)—violated his Eighth Amendment rights by serving him meals that did not comply with his medically restricted diet. *See* Dkt. 53.<sup>1</sup> The case has been referred to United States Magistrate Leslie G. Foschio for all proceedings under 28 U.S.C. §§ 636(b)(1)(A), (B), and (C). Dkt. 29.

Before the Court are the parties’ motions for summary judgment. *See* Dkt. 87 (Plaintiff); Dkt. 88 (Defendants). The parties opposed each other’s motions, *see* Dkt. 92-93, and replied in further their own motions. *See* Dkt. 94-95.

On May 22, 2025, Judge Foschio issued a Report and Recommendation (“R&R”). Dkt. 96. He recommends that “Plaintiff’s motion should be DENIED; Defendants’

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<sup>1</sup> The Amended Complaint (at Dkt. 53) is the operative Complaint.

motion should be GRANTED with regard to Defendants Beecroft, Connors, and Noeth, and DENIED as to Defendants Crane, Norton, and Rapini against whom the action should proceed to trial.” *Id.* at 4. No party filed objections, and the time to do so has expired.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge’s recommendation to which a party objects. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

This Court has carefully reviewed the R&R and the relevant record. Based on that review, the Court accepts Judge Foschio’s recommendation. For the reasons above and in the R&R, Plaintiff’s [87] motion is DENIED. Defendants’ [88] motion is GRANTED as to Defendants Beecroft, Connors, and Noeth, and DENIED as to Defendants Crane, Norton, and Rapini.

SO ORDERED.

Dated: June 10, 2025  
Buffalo, New York



JOHN L. SINATRA, JR.  
UNITED STATES DISTRICT JUDGE